



030404

13281 U.S. PTO

MAIL STOP PATENT APPLICATION

Attorney Docket No.: 25734X

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Karl F. POPP.

Serial No. Not yet assigned

Filed: March 4, 200422581 U.S. PTO
10/791839

030404

For: **ANTIMICROBIAL TOPICAL COMPOSITIONS FOR TREATMENT OF ROSACEA**

(This is a Continuation-In-Part of US Patent Application No. 10/698,431 filed November 3, 2003.)

TRANSMITTAL LETTERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

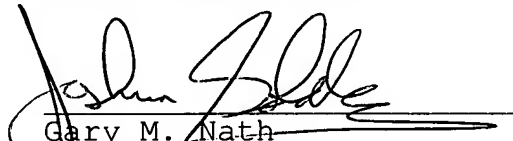
Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Filing Form For Continuation-In-Part of an International Patent Application;
- (3) 86 Page Continuation-In-Part Patent Application consisting of:
 - 66 pages specification;
 - 19 page with 64 claims;
 - 1 page of the abstract
 - 0 sheets drawings;
- (4) Executed Declaration;
- (5) Check no. 20571 \$ 1,648.00 for filing fee, additional claims and independent claims;
- (6) Postcard for early notification of serial number.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By:


 Gary M. Nath
 Registration No. 26,965
 Joshua B. Goldberg
 Registration No. 44,126
 Customer No. 20529

 Date: March 4, 2004
 NATH & ASSOCIATES PLLC
 1030th 15th Street, NW - 6th Floor
 Washington, D.C. 20005
 GMN/JBG/CIP.TL



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FILING FORM

FOR CONTINUATION-IN-PART OF PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

1. This is a Request for filing a
- ☐ Continuation Application under:
 - ☐ 37 CFR § 1.53(b)(1)
 - ☐ Divisional Application under:
 - ☐ 37 CFR § 1.53(b)(1)
 - ☒ Continuation-In-Part (CIP) application
 - ☒ 37 CFR § 1.53(b)(2)

of **prior** ("parent") US patent application:

Serial No. 10/698,431

Filing Date: November 3, 2003

Entitled: **ANTIMICROBIAL SHAMPOO COMPOSITIONS**

2. ☒ *Enclosed for application under 37 CFR § 1.53(b) are:
- 86 pages of text (specification, claims, abstract)
 - 64 claims
 - 0 sheets of drawings

3. The **present** application names the following inventor(s):

Karl F. POPP

X Newly executed oath or declaration (original or copy) is submitted herewith.

Copy from a prior application (37 CFR 1.52 (b))

(37 CFR § 1.53--"CIP") The above-identified application (in which no payment of the Issue Fee, abandonment of or termination of proceedings has occurred) is hereby expressly abandoned as of the filing date of this new application.

The **Total Filing Fee** is calculated as follows:

Enter the Amendment filed in the prior patent application on prior to calculating the filing fee.

Enter the enclosed Preliminary Amendment prior to calculating the filing fee.

(Col 1)			(Col 2)	SMALL ENTITY		OR	NON-SMALL ENTITY	
	NUMBER OF CLAIMS FILED		NUMBER OF EXTRA CLAIMS	RATE	FEE		RATE	FEE
TOTAL	64	minus 20	44	x9=	0		x18=	792
INDEP.	4	minus 3	1	x43=	0		x86=	86
BASE FILING FEE:				+385=	0		+770=	770
<u>xx</u> Multiple Dependent Claims				+145=	0		+290=	0
				TOTAL	0	OR	TOTAL	1,648

Applicant(s) is/are a "small entity". A Verified Statement Claiming Small Entity Status:

was filed in the parent application, and small entity status is still proper and desired ;

is asserted as allowed under 37 CFR § 1.27.

X A check including the above-indicated filing fee is enclosed.

- ☐ A Petition for Extension of Time (to keep the parent case pending) is enclosed, with a check including the \$___ extension fee.
- ☐ Assignment document(s) is/are submitted herewith, with a check including the recordation fee of \$40.00 per Assignment.
- ☐ No check is enclosed. A Declaration and Power of Attorney will be submitted at a later date pursuant to 37 CFR § 1.41, 1.53, and/or a check for the "Total Filing Fee" calculated above and a surcharge under 37 CFR § 1.16(e).
- ☐ The prior application is assigned of record to _____, the Assignment being recorded on _____, on Reel _____, Frame(s) _____.
- ☒ An original executed Declaration is enclosed.
- ☒ Amend the specification by inserting before the first line the sentence:
- This is a Continuation-In-Part of US Patent Application No. 10/698,431 filed November 3, 2003, the contents of which are hereby incorporated by reference in their entirety.--
- ☐ Benefit is claimed under 35 U.S.C. § 119(e) from U.S. Patent Application(s) No. _____ filed _____.
- ☐ Foreign priority under 35 U.S.C. § 119 of application(s) _____, filed _____, is hereby claimed. The certified priority paper(s):
- ☐ was/were filed in the parent case;
- ☐ is/are enclosed herewith;
- ☐ will be submitted at a later date.
- ☒ The power of attorney in this application is to Gary M. Nath, Reg. No. 26,965 et al.

X Address all future communications to:

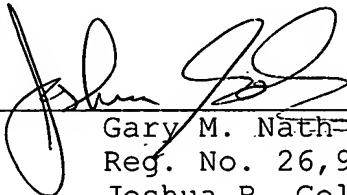
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— If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to prevent abandonment of the parent application, then such extensions of time are hereby petitioned to allow copendency of the parent and the present continuing application. The Commissioner is hereby authorized to charge fee deficiency under 37 CFR § 1.17, or credit any overpayment, to Deposit Account No. 14-0112.

X Submitted herewith is a check in the amount of \$1,974.00. The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,
NATH & ASSOCIATES PLLC

Date: March 4, 2004



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